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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,107	09/24/2003	Norman Goris	N. GORIS 6-6	7170

47396 7590 01/12/2007  
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EXAMINER
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JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/670,107

Applicant(s)

GORIS ET AL.

Examiner

Blane J. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 October 2006 has been entered.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "As figure 2 indicates, the measuring system can be activated by pressing a predefined key sequence of the keypad 15 of figure 1. . ." as described in the specification. Furthermore, the block diagram of figure 2 and illustration of figure 1 are incorrectly identified in the Specification as schematic diagrams. Also, the blocks of figure 2 lack legends. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

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amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim language indicates the "vital sign sensor is configured to send said vital sign information to said display as analog data, said display configured to receive said analog data. . .". Support for receiving and displaying analog data is found in

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paragraph 0021 of the Specification which simply states "an analog signal may be indicated on the display so an analog-to-digital interface (coupled to the sensor) is not necessary". However, this generalized concept is indefinite. It is not clear how the conventional mobile telephone, Specification paragraph 0013, apparently a digital mobile telephone operating in a digital cellular network may receive and display an analog signal without digitally converting all locally received data. Note that claim 5 is amended to claim an A/D interface coupled to the display to convert the vital sign information to digital data.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinonen et al. (US 5,772,586).

As to claims 1 and 8, Heinonen teaches an apparatus and method of employing a mobile telephone to measure a vital sign comprising:

A vital sign measuring system having a vital sign sensor integrated with a chassis of said mobile telephone and configured to determine vital sign information of a user (figures 1-3, column 3, lines 56-64 and column 4, lines 54-67, measuring unit (11)

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placed in the battery space of a mobile phone (1), the measuring unit with means for measuring blood glucose level, blood pressure, fever or pulse).

A keypad coupled to the vital sign measuring system configured to allow a user to control the vital sign measuring system (figure 2, column 5, lines 54-65, keypad (13), special program related to the act of measurement),

A display wherein said vital sign sensor is configured to send said vital sign information to said display, said display configured to receive said vital sign information from said vital sign sensor and provide said vital sign information to said user (figure 2, column 4, line 63 to column 5, line 3 and column 5, lines 33-65, keypad (13) and display (12), electronic section (20) comprises a special program to guide the patient in carrying out the measurement for example by providing advice via the display of and about the results and memory to store the measurements for displayed review).

As to claims 2 and 9 with respect to claims 1 and 8, Heinonen teaches the mobile telephone wherein said vital sign sensor is a body temperature sensor (column 3, lines 56-64, means for measuring the blood glucose level, measuring blood pressure, pulse or fever (body temperature)).

As to claims 3 and 10 with respect to claims 1 and 8, Heinonen teaches the mobile telephone wherein said vital sign sensor is a blood pressure sensor (column 3, lines 56-64, means for measuring the blood glucose level, measuring blood pressure, pulse or fever (body temperature)).

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As to claims 4 and 11 with respect to claims 1 and 8, Heinonen teaches the mobile telephone wherein said vital sign sensor is a pulse detector (column 3, lines 56-64, means for measuring the blood glucose level, measuring blood pressure, pulse or fever (body temperature)).

As to claim 5, Heinonen teaches the mobile telephone as recited in claim 1 wherein the vital sign sensor includes an analog to digital interface coupled to said display and configured to convert said vital sign information from analog data to digital data and directly send said digital data to said display to provide said vital sign information as digital data (figure 3, column 5, lines 21-65, electronic section (20) comprises an A/D converter and a memory where the vital sign information or levels are digitized and stored, the same information applied to the special program to guide the patient in the act of measurement with display).

As to claim 12, Heinonen teaches the method as recited in claim 8 wherein said vital sign sensor is located on an opposite side of said mobile telephone as said display to simultaneously employ said vital sign sensor and provide said vital sign information to said user through said display (figure 2, column 4, line 54 to column 5, line 39, measuring unit (11) is placed in the battery space of the mobile phone, opposite side of the mobile phone to the display and column 5, lines 54-65; display to provide measurement advice, results, warnings and history).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (US 5,772,586) with a view to Puthuff (US 6,112,103).

As to claim 6, with respect to claim 1 and claims 13 and 14 with respect to claim 8 and claim 18 with respect to claim 15, Heinonen teaches a conventional GSM mobile telephone equipped with a microphone and loudspeaker, column 4, lines 63-67, but does not teach the loudspeaker and a microphone are coupled to said vital sign measuring system and configured to provide the vital sign information to the user and configured to allow the user to control the vital sign measuring system respectively.

Puthuff teaches a mobile telephone (figure 1, telephone (312)) with an attached personal communication node (PCN) (100) for the user to answer calls, initiate calls, receive or send messages by issuing voice commands, column 3, lines 8-23. Puthuff also teaches the PCN in combination with the cellular telephone includes software which interprets voice commands from the user such as to direct the cellular telephone to perform a certain function or direct a particular control function on a particular remote device, column 6, lines 10-46.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the vital health monitoring telephone of Heinonen with the voice



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command ability of Puthuff for the hands free convenience of controlling the system by the patient.

As to claim 15, Heinonen teaches a mobile telephone comprising:

A vital sign measurement system including a body temperature sensor, a blood pressure sensor, a pulse detector and control circuitry coupled to said body temperature sensor, said blood pressure sensor and said pulse detector, said vital sign measurement system configured to determine vital sign information of a user (column 3, lines 56-64, a mobile telephone comprising a vital sign measuring unit (11) for, by example, measuring blood glucose level but may also comprise means to measure blood pressure, fever or pulse),

A central processor unit configured to control said vital sign measurement system via said control circuitry when said vital sign measurement system is activated (figure 2, column 4, line 54 to column 5, line 65, a mobile phone subject to changes concerning its software so that the measuring unit is able to utilize the display and keyboard), and

A display configured to receive said vital sign information from said vital sign measurement system and provide said vital sign information to said user, said vital sign measurement system configured to bypass said central processor unit when sending said vital sign information to said display (figure 3, column 5, lines 54-65, electronic section (20) comprising a special program related to the act of measurement to guide the patient in carrying out the measurement for example by providing advice via the display (12) and prompting the patient to contact the doctor if the measurement results

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exceed or fall below a predetermined threshold value and column 4, lines 54-63, the measuring unit (11) is a separate functioning package placed in the battery space of the mobile phone or can be entirely separate that is connected by means of a cable).

As to claim 16, Heinonen teaches the mobile telephone as recited in claim 15 wherein said system is integral with a chassis of said mobile telephone (figures 1 and 3, column 4, lines 54 to column 5, line 13, measuring unit (11) fits into the battery space of the mobile phone (1)).

As to claim 17 with respect to claim 15, Heinonen teaches the mobile telephone wherein said vital sign measurement system includes an analog to digital interface configured to convert said vital sign information from analog data to digital data and send said digital data to said display to provide said vital sign information as digital data (figure 3, column 5, lines 21-65, electronic section (20) comprises an A/D converter and a memory where the vital sign information or levels are digitized and stored, the same information applied to the special program to guide the patient in the act of measurement with display).

As to claim 19, Heinonen teaches the mobile telephone as recited in claim 15 wherein said vital sign measurement system is activated by a keypad of said mobile telephone (figure 2, column 4, line 63 to column 5, line 3 and column 5, lines 54-65,

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changes to the software of the mobile telephone so that the measuring unit (11) is able to utilize the display (12) and keyboard (13) of the phone).

As to claim 20, Heinonen teaches the mobile telephone as recited in claim 15 wherein said vital sign information is provided to said user via an analog signal indicated on said display (column 5, lines 54-65, special program related to the act of measurement for procedure information, prompts and results on the display (12) of the telephone).

### ***Conclusion***

The prior art made of record and not relied upon but considered pertinent to applicant's disclosure includes: Engstrom (US 6,549,756).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Blane J. Jacob*